

## **3 FAH H-2240 FOREIGN SERVICE OFFICER CAREER CANDIDATE PROGRAM**

*(TL:POH-65; 04-06-2001)*

### **3 FAH-1 H-2241 CRITERIA AND OBJECTIVES FOR ASSIGNMENTS**

*(TL:POH-65; 04-06-20001)*

*(State Only)*

*(Applies to Foreign Service Only)*

- a. To the extent Service needs and other factors allow, HR/CDA is guided by the following provisions in assigning junior officer candidates:
  - (1) Individual qualifications (language, previous work experience, education, etc);
  - (2) Personal choice and career development consideration (such as acquisition of useful languages);
  - (3) Junior officer candidates should serve in at least two functional fields (administration, consular, economic/commercial, political affairs, and public diplomacy). This experience should be accrued at two different posts, whenever possible abroad;
  - (4) All junior officer candidates must serve in consular work abroad, normally for a minimum of one year, but no less than ten months. Service needs permitting the work in the administrative cone can be substituted for the consular requirement at the discretion of HR/CDA; and
  - (5) Most Foreign Service Officer (FSO) career candidates will serve two initial assignments abroad.
- b. In assigning mid-level candidates, HR/CDA, within the constraints of Service needs and other limitations, will seek to provide assignments within the first three years in two different postings, at least one of which is abroad, which will enable the candidate to demonstrate competency in the candidate's preferred functional field as well as the broader capability to serve successfully as a Foreign Service Officer through the mid-grades.

### **3 FAH-1 H-2242 COUNSELING OF OFFICER CANDIDATES**

*(TL:POH-65; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Only)*

- a. Supervisors of FSO career candidates should counsel them at least twice during each annual rating cycle at approximately 120-day intervals and no less than once during assignments of less than one year.
- b. In counseling a junior officer candidate, the rating officer should prepare a draft interim Employee Evaluation Report (EER) on at least one occasion during each annual rating year and present it to the candidate for discussion.
- c. The informal report is intended solely as a counseling device, will not be placed in the candidate's performance file, and will in no way bind the rating officer in later judgments on the overall performance during the full rating period.
- d. The draft report is not required in connection with assignments of six months or less.
- e. All officer candidates should be counseled regarding their strengths and weaknesses and ways to improve their performance, enhance their professional development, and strengthen their potential for tenure and advancement.
- f. Reviewing officers should keep informed of candidates' progress and make themselves available for counseling, as appropriate.
- g. The principal officer, deputy chief of mission, or deputy assistant secretary responsible for oversight of the candidate program in the bureau or post will oversee the adequate, periodic counseling of candidates by the rating and reviewing officers.

### **3 FAH-1 H-2243 TYPES OF EVALUATION MATERIAL**

*(TL:POH-65; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Only)*

- a. Junior officer candidates are evaluated on the Employee Evaluation Report (EER) Form DS-1829, prepared as outlined in 3 FAM 2810, and the instructions for preparation of the EER form, except when in training status (see 3 FAM 2813.7). The rating and reviewing officers' appraisals of an officer candidate's potential should directly assess the demonstrated potential of the candidate to perform effectively as a Foreign Service Officer with normal development up to and including class FS-01 and include a recommendation regarding whether the candidate should be granted career status.
- b. Other evaluation material prepared on an officer candidate may include inspectors' reports and commendations. The same rules of admissibility will apply to all evaluation material of officer candidates as apply to evaluation material prepared on other members of the Foreign Service. All officer candidate evaluation material will remain a permanent part of the individual's Official Performance File (OPF). Should a candidate resign and subsequently return to the Service, the evaluation material for the previous service will be incorporated in the OPF.

### **3 FAH-1 H-2244 REVIEW AND ACTION WITHIN HR/PE**

*(TL:POH-65; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Only)*

- a. HR/PE will review upon receipt all officer candidate evaluation material to assure compliance with prescribed procedures before placement in the candidate's OPF.
- b. HR/PE will monitor the development of each candidate's file to ensure on a continuing basis that information being assembled regarding the candidate is adequate to permit the Board to make a sound tenuring judgment at the appropriate time.
- c. Should any evaluation material be judged inadequate for that purpose, HR/PE may request the originator to clarify or amplify any portion of it. Copies of all such requests from HR/PE and of all responses thereto will be supplied to the candidate, who may submit for the file any desired comment or response.

## **3 FAH 1 H-2245 THE COMMISSIONING AND TENURE BOARD**

### **3 FAH 1 H-2245.1 Composition**

*(TL:POH-65; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Only)*

- a. The Commissioning and Tenure Board (Board), will consist of five members of the Foreign Service of the Department of State of class FS-01 and above and one employee of an agency other than State, which is a voting member of the Board of the Foreign Service. The State Department Foreign Service members will include the chairperson, who will be the most senior, and one from each of the five functional fields (administrative, consular, economic/commercial, political, and public diplomacy). Among the members, at least one will be a member of a minority group and one a woman.
- b. Foreign Service members will serve a two-year term, subject to early termination by the Director General to meet the needs of the Service (for example, transfer, retirement, etc.). The non-State Department member will serve for two-years and may be replaced by a member from the same agency only to complete an unexpired two-year term. HR/PE will provide administrative support to the Board. Terms of all members may be extended to three years, circumstances permitting, at the discretion of the Director General.

### **3 FAH 1 H-2245.2 Appointment**

*(TL:POH-65; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Only)*

The Director General will appoint members of the Board who have the same qualifications as Selection Board members as specified in 3 FAM 2320. Prior to any such appointments, a list of the officers under consideration will be submitted to the exclusive bargaining representative, who will have a period of ten working days in which to offer comments. Such comments will be considered in making the final appointment(s), but will not be binding.

### **3 FAH-1 H-2245.3 Responsibilities and Duties**

*(TL:POH-65; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Only)*

- a. The Board will meet at least quarterly to perform the duties set forth in this subchapter and in 3 FAH-1 Exhibit H-2245.3. Any action taken by the Board requires the concurrence of at least four Board members. However, on final review, no action unfavorable to the candidate under review will be taken without consideration of the file by all members of the Board. The Board will:
  - (1) Review and make recommendations on the conferral of career status upon all FS-04 junior officer candidates and members of the Service appointed under the Mustang Program as soon as possible after completion of 36 months of service. A second review will take place after 48 months. When the Board judges that additional evaluated experience may lead to a favorable tenuring decision, the Board may recommend a third review six months prior to expiration of the candidate's limited appointment;
  - (2) Review and make recommendations regarding conferral of career status upon all FS-03, 02, and 01 mid-level candidates as soon as practicable after their first three years of service, and again one year later if career status is not recommended on first review. The Board will conduct a third review approximately 60 days prior to expiration of the candidate's limited appointment if it does not recommend conferral of career status on second review. Mid level candidates of class FS-02 and FS-03 who are promoted will be referred to the next session of the Board for review regardless of the date of their last review and of their period of service.
  - (3) Monitor all evaluation material prepared on employees subject to review by the Board. The purpose of this monitoring is to determine whether the material is adequate to assist meaningfully in the career judgment that the Board must make at the prescribed time. At the direction of the Chairperson, any evaluation material deemed inadequate for the Board's purpose may be returned to the preparer for amplification and/or clarification. The Board is authorized to instruct responsible rating officials to redo and submit the report while the Board is in session.
- b. For those candidates not recommended for tenure who will be considered at a subsequent session of the Board, the Board will write notification statements with guidance to the candidates, and, at its discretion, may identify areas for improvement. The Board will provide counseling statements for those candidates whose chances of being recommended for tenure at a subsequent session are in doubt due to an identifiable

performance weakness. Any such statements will be given only to the candidate in question and will not become part of any Department file, except the official Board findings, unless the recipient so requests in writing.

- c. Following the Board's determination of which officers to recommend for tenure, it will rank unconded officers who have been recommended for tenure based on the Board's assessment of the documented overall performance.

### **3 FAH-1 H-2245.4 Board Action**

*(TL:POH-65; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Only)*

The Board will provide the Director General with the following:

- (1) An alphabetical list of names of those officer candidates recommended for tenure and commissioning;
- (2) Alphabetical lists of the names of those officer candidates reviewed for the last time for which the Board does not recommend tenure. Individuals who are not recommended for tenure will be separated from the Service at the end of their limited appointment, or earlier if the Board's recommendation for earlier separation is approved by the Director General;
- (3) Any recommendation for extension of the candidate's appointment. Any such recommendation must include a detailed statement as to why such extension is recommended and must not extend the candidate's appointment beyond a total of 5 years;
- (4) The Board's observations on the operation of the Officer Candidate Program, the Candidate Evaluation process, and the Board's own precepts and procedures with such recommendations as it may desire to make. Such a report will be prepared annually before the end of the calendar year. A copy of the report, including recommendations or comments, other than those concerning individuals, will be made available to officials of the American Foreign Service Association on a confidential basis; and
- (5) A rank-order list of unconded officers recommended for tenure. This list will be used by the Conal Designation Panel (CDP).

### **3 FAH-1 H-2246 TEMPORARY OR PERMANENT REMOVAL OF NAMES FROM COMMISSIONING AND TENURE LISTS**

*(TL:POH-65; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Only)*

- a. The procedures outlined below for temporary or permanent removal of names from commissioning and tenure lists apply to all officer candidates recommended for tenure by the Board. (See 3 FAM 2246.8).
- b. The Director General will inform the candidate concerned in writing of the action taken and will initiate, pursue, or monitor the inquiry, investigation or proceeding that gave rise to the removal. Upon disposition or resolution of the issue, the Director General will either:
  - (1). Request that the necessary administrative action be initiated to commission the candidate as an FSO; or
  - (2) Request the Board, that earlier recommended tenure, to determine whether or not the candidate is qualified to be commissioned on the basis of additional documents added to the performance file; or
  - (3) If disciplinary action taken against the candidate precludes commissioning, the Director General will document that action in the performance file and make permanent the prior exclusion of the name from the list at issue. In this event, the candidate's file will not be reviewed again by the Board.
- c. The subsequent finding of the Board regarding the candidate in question will be final and binding to the same extent as if made at the initial session. If the Board concludes that the candidate is qualified, on the current record, to be commissioned as an FSO, the Director General will initiate action to commission the candidate as an FSO. If the Board concludes that the candidate is not presently qualified, on the current record, for commissioning, the Director General will make permanent the prior exclusion of the name from the specific list at issue.

### **3 FAH 1 H-2247 THE CONAL DESIGNATION PANEL**

### **3 FAH-1 H-2247.1 Composition**

*(TL:POH-65; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Only)*

The Director of HR/CDA/EL will chair the Conal Designation Panel (the CDP). The purpose of the CDP is to assign cones immediately after the tenuring of junior officers who entered the service unconed in the 1990-1996 period. Once all junior officers who entered the service unconed during this period have been assigned initial cones, the CDP will cease to exist. Until then, the CDP will consist of one representative each from HR/CDA and HR/RMA, a regional bureau, and a functional bureau. The representative from the regional bureau and the representative from the functional bureau will rotate on an annual basis from among the various regional and functional bureaus.

### **3 FAH-1 H-2247.2 Responsibilities**

*(TL:POH-65; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Only)*

- a. The CDP will meet quarterly following the completion of the Board's work to match, to the extent permitted by Service needs, officers' expressed conal preferences with projected mid-level staffing requirements in each of the five generalist cones. The CDP will obtain from HR/PE the rank-order list of all unconed officers recommended for tenure. Numbers of conal opportunities available, based upon projections of Service needs, will be provided to the CDP by HR/RMA.
- b. It is the responsibility of the CDP to prepare for the Director General's approval an alphabetical list of officers and the CDP's proposed conal designations.
- c. Upon approval by the Director General of the coning recommendations, the Director of HR/CDA will notify officers of their conal designations. Those designations will be binding.

## **3 FAH-1 H-2248 THE RECONING APPEALS PANEL**

### **3 FAH-1 H-2248.1 Composition**

*(TL:POH-65; 04-06-2001)*  
*(State Only)*  
*(Applies to Foreign Service Only)*

Each Reconing Appeals Panel will be chaired by the Director of HR/CDA (or a designee) and consist of five voting members. Two of the members will be Counseling and Assignments Officers from HR/CDA and two will be Foreign Service Officers from outside the Bureau of Human Resources, all four of whom have the primary skill code for which the Panel is considering appeals. The fifth voting member will be the HR/CDA Continuity Counselor.

### **3 FAH-1 H-2248.2 Responsibilities, Duties, and Action**

*(TL:POH-65; 04-06-2001)*  
*(State Only)*  
*(Applies to Foreign Service Only)*

Reconing Appeals Panels will meet on an annual basis under the direction of the Director of HR/CDA to consider appeals by officers who entered the Service unconded between March 1990 and December 1996 and who were assigned a cone other than their first choice by a CDP. Applications from eligible officers will be made in accordance with criteria for reconing and application instructions that HR/CDA will publish annually in advance of the application deadline for that year. For each cone, the Reconing Appeals Panel will:

- (1) Determine which applicants meet the criteria for reconing and rank order those applicants; and
- (2) Prepare for the Director of HR/CDA three lists:
  - (a) An alphabetical list (to be forwarded to the Director General for approval) of applicants who met the established criteria for reconing and for whom reconing numbers were available;
  - (b) A rank-order list of all officers who met the established criteria; and
  - (c) An alphabetical list of those officers whose applications were considered but who did not meet the established criteria; and
- (3) Recommend changes to the Reconing Appeals Panel for subsequent sessions.

## **3 FAH-1 H-2249 UNASSIGNED**

## **3 FAH-1 H-2240 EXHIBIT H-2245.3 PRECEPTS FOR THE FOREIGN SERVICE OFFICER COMMISSIONING AND TENURE BOARD**

*(TL:POH-65; 04-06-2001)*

### **A. Authority of the Board**

The decision whether or not to tenure and offer an officer candidate a commission as a Foreign Service Officer will be made by the Commissioning and Tenure Board (Board). The Board will be organized and will carry out its responsibilities in accordance with the provisions of 3 FAM 2240 and 3 FAH-1, H-2240, Foreign Service Officer Career Candidate Program, as supplemented by these Precepts. Within the scope of these regulations and Precepts, the Board will establish such internal operating procedures as necessary to fulfill its responsibilities.

### **B. Criteria for Tenuring**

(1) The sole criterion for a positive tenuring decision will be the candidate's demonstrated potential, assuming normal growth and career development, to serve effectively as a Foreign Service Officer over a normal career span, extending to and including class FS-01.

(2) In determining whether a candidate meets the criterion, the Board should consider the six skill areas which have been identified as important for successful performance in the Foreign Service. No candidate shall be expected to display all these qualities; thus the Board should avoid negative assumptions regarding qualities that the candidate has had no practical opportunity to display. However, the Board should heed documented evidence that the candidate lacks or is so seriously deficient in these qualities that development of satisfactory competence in any one of the six broad skill areas appears doubtful.

On the other hand, the Board should take into account evidence that early weakness in these qualities or skills has been or is being overcome. In particular, the Board should recognize that the competency "Substantive Knowledge" is often a function of exposure and experience and ordinarily should be expected to expand with normal career development. The Board should not discount a candidate's potential in this area unless the degree of weakness indicates tangible failings beyond reasonably expected levels and/or a

likely lack of capacity for needed growth despite appropriate future training and experience.

(3) The six areas of skills and the related qualities that should help guide the Board's judgments are published in 3 FAH-1, H-2321, Exhibit H-2321 B.

### **C. Additional Factors**

There are additional factors that should primarily have an adverse effect on the Board's determination as to whether or not a candidate is qualified for career status. They are:

- (1) Reluctance to accept responsibility or a lack of initiative or resourcefulness in carrying out assigned duties;
- (2) Failure to carry out properly assigned tasks within a reasonable time;
- (3) Low productivity or work poorly done;
- (4) Failure to adapt to the work environment abroad or a foreign culture;
- (5) Refusal to accept or carry out legitimate directives from properly authorized officials;
- (6) Inability to work fairly and cooperatively with supervisors, colleagues, teammates, subordinates including FSNs and other locally engaged employees;
- (7) Lack of EEO sensitivity;
- (8) Indifference and/or failure to carry out supervisory responsibilities;
- (9) Lack of courage and reliability under conditions of hardship and danger;
- (10) Frequent poor judgment;
- (11) Poor writing or drafting skills;
- (12) An inability to communicate clearly and effectively;
- (13) A lack of concern and effort in training assignments, including an inability or unwillingness to learn a foreign language; and

(14) A pattern of failure to properly safeguard classified material and information.

#### **D. Assignments**

Different assignment patterns inevitably present candidates with varying opportunities to demonstrate the qualities important to the Board's judgments. All candidates, regardless of area or type of assignment, or diversity of experience, should receive equal consideration.

#### **E. Equality of Consideration**

The Board will consider all candidates solely on merit with absolute fairness and justice. In particular, the Board will not disadvantage any candidate directly or indirectly, for reasons of race, color, religion, sex, age, national origin, sexual orientation, marital status or plans, or method of entry into the Foreign Service, initiation or participation in grievance or discrimination complaint procedures, membership in or activity on behalf of an employee organization, or political affiliation. Medical problems, personal and physical qualities should not be considered unless they affect performance or potential.

The responsibility of the Board is to weigh performance data equitably. The performance rating process must be insulated from irrelevant or improper influences. Stereotyped groups assumptions, and sexist or ethnic comments are inadmissible and must not affect evaluations.

If the Board discerns an indication of unfairness in a performance file for any reason, it will discount the statement or implications and refer the matter to the Director, Office of Performance Evaluation (HR/PE), for correction of the file, as appropriate.

#### **F. Information to be Considered**

(1) Members of HR/PE will guide the Board in the technical procedures to be followed. The Board will address all queries regarding its work only to the staff of that office.

(2) Each Board member will be provided with a briefing book that will contain the following items:

- A set of these Precepts
- The instructions for preparation of the Employee Evaluation Report (EER) Form DS-1829; and
- A list of all career candidates to be considered by the Board.

(3) The Board will base its decisions only on material properly part of the candidate's performance file.

(4) The Board should ignore any information in the file which is currently inadmissible (see 3 FAM 2815). Such information should be brought to the attention of HR/PE and should not be the subject of discussion or a basis for the Board's decisions.

(5) Board members should neither seek nor receive any information on candidates other than that properly included in the performance file.

(6) A Board member may not bring to the Board's attention personal knowledge of a candidate except for information relevant to the candidate's performance or potential and then only by means of a signed memorandum. A copy of the memorandum shall be forwarded promptly, by cable if necessary, to permit the candidate to comment on it before the Board completes its review, but such completion will not be delayed more than ten days pending the receipt of comment.

(7) It is imperative that Board members heed their oath of office and adhere to the instructions contained in these Precepts. Failure to observe these requirements may result in disciplinary action or the penalties of the Privacy Act. In addition, Board members should report to the Director, Office of Performance Evaluation, any attempt to provide them with information other than that authorized by these Precepts.

## **G. Submission of Findings and Recommendations**

Following each Board session, the Board will prepare a report to the Director General under cover of a transmittal letter. The Director General may accept the Board's findings or return them for review if there are any questions regarding procedures or conformity with the Precepts.

The report will include the information called for in 3 FAH-1, H-2245.4, and:

(1) A list of rating and reviewing officers who merit commendation or criticism for the evaluation reports they prepared in the most recent rating period as well as those prepared prior to the candidate's first tenure review. In each case where an officer is criticized, the Board must prepare a written statement citing deficiencies. Such statements will be placed in the officer's official performance file, where it will remain for two years, and a copy will be sent to the officer. A list of rating and reviewing officers commended will be published by HR/PE;

and

(2) Recommendations on the training, assignment, or counseling of any candidate under review.

(3) Recommendations for commending or criticizing Deputy Assistant Secretaries or Deputy Chiefs of Mission on their effectiveness in oversight of the activities of junior officer candidates.

## **H. Counseling Statements**

The Board will write notification statements with guidance to the candidates, and may, at its discretion, identify areas for improvement. The Board will provide counseling statements for those candidates whose chances of being recommended for tenure at subsequent sessions are in doubt due to an identifiable performance weakness.

### **I. Oath of Office**

"I, \_\_\_\_\_ do solemnly swear (or affirm) that I will perform the duties of a member of this Board faithfully and to the best of my ability; that I will adhere to the Precepts; that I will apply the Precepts and criteria without prejudice or partiality; and that I will not reveal to unauthorized persons any information concerning the personnel records used or the deliberations and recommendations of the Board (so help me God)." Statements in parentheses are optional.